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SUBJECT: INSTRUCTION: JOIN CONSENSUS ON UNGA 3C RESOLUTION  
"PROTECTION OF MIGRANTS"

REF: 12NOV09 UN THIRD COMMITTEE DRAFT RESOLUTION  
"PROTECTION OF MIGRANTS"

¶1. The Department instructs USDEL to join consensus on the resolution entitled "Protection of Migrants" provided that the resolution text does not change materially from the wording contained in REF to negatively affect vital U.S interests. USDEL should deliver the following EOP:

The United States has joined consensus on this resolution after substantial negotiations among many delegations. We are pleased that our discussions were constructive and progress was made.

We point out that implicit in this and any other discussion of international migration is the well-settled principle under international law that all states have the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals. At the same time, we recognize that States must respect the human rights law of migrants, consistent with their obligations under international law, including international human rights law. The United States fulfills these obligations by providing substantial protections under the U.S. Constitution and other domestic laws to aliens within the territory of the United States, regardless of their immigration status.

We are pleased that countries were able to work together to improve this text to more accurately reflect the rights and responsibilities of States in this regard. With this in mind, we would like to reiterate some of the points we raised during the consultations.

As noted, we strongly support and endorse the responsibility of States to protect the human rights of all people, including migrants, in their territories. The United States takes this responsibility very seriously and urges other States to do so.

Similarly, we call attention to the well-established principle that states have an affirmative duty to accept the return of their nationals who have been expelled or returned from the territory of another state. The expeditious return of irregular migrants to their countries of origin would contribute significantly to decreasing detention periods as called for in this resolution.

With respect to concerns regarding the detention of migrants, I would like to emphasize that although international law does not prohibit the detention of persons who have violated a country's immigration or criminal laws, we share concerns that when States enforce such laws, they must do so in a manner consistent with their obligations under international law, including international human rights law.

This resolution addresses the topic of migration on a global scale and seeks to find common ground among member states with regard to the protection of human rights. This is a crucial concern that the international community has and will

continue to address in coming years. The UN's approach to this global concern should not be sidetracked by undue focus on bilateral issues that are being addressed through respectful discussions and actions between the affected states. In this spirit, we believe it is inappropriate to make specific reference to a bilateral legal matter between two member states which has been previously addressed by this body. The case cited in pp9 is not the only one of this nature and referring to it alone diverts attention from the serious multilateral reflection and action required. Doing so does not promote constructive cooperation toward advancing the protection of human rights of migrants.

Mr. Chairman, the United States is a nation with a long history of welcoming immigrants and refugees, and we highly value legal, orderly and humane migration. More than one million American citizens currently live outside our borders.

The United States urges its own citizens to observe all national and local laws when moving to or working in another country. We welcome legal immigrants and properly-documented temporary visitors, including workers and students, and we are committed to protecting the human rights of migrants within our borders.

Thank you Mr. Chairman.

CLINTON